

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 CHOCOLATE MAGIC LAS VEGAS, LLC,)

11 Plaintiff(s),)

12 vs.)

13 BLAIR ELLIOT FORD, JR., et al.,)

14 Defendant(s).)
15

Case No. 2:17-cv-00690-GMN-NJK

ORDER

16 On May 24, 2017, the parties filed a status report indicating that discovery should be stayed in
17 light of Defendant Ford's motion to dismiss because it was brought pursuant to Nevada's Anti-SLAPP
18 statute. *See* Docket No. 35 (discussing N.R.S. 41.660(3)(e)(1)). The Court then requested a
19 supplemental statement to address several issues with respect to that position. Docket No. 38. The
20 parties have now filed that supplemental statement, again unanimously agreeing that discovery should
21 be stayed. Docket No. 42. The Court continues to have concerns as to whether (1) the discovery stay
22 provision in Nevada's Anti-SLAPP statute must apply in federal court proceedings, *cf. Metabolic*
23 *Research, Inc. v. Ferrell*, 693 F.3d 795, 801-02 (9th Cir. 2012) (despite recognizing the parallel
24 provision that discovery must be stayed pending any appeal from the ruling on the motion to dismiss,
25 finding that immediate appeal of order denying motion to dismiss was improper and that any harm in
26 proceeding with the case could be redressed through an award of costs and fees), and, (2) assuming such
27 provision applies in federal court, whether it operates to stay discovery involving defendants who have
28 not themselves brought an Anti-SLAPP motion to dismiss and instead answered the complaint.

Nonetheless, the parties are in agreement that it is in the interest of the parties and the Court that all discovery be stayed in this case pending resolution of Defendant Ford's motion to dismiss. Docket No. 42. Pursuant to the objectives outlined in Rule 1 of the Federal Rules of Civil Procedure, the Court will **STAY** discovery in this case pending resolution of Defendant Ford's motion to dismiss. In the event that motion is not granted in full, the parties shall file a discovery plan within 14 days of the issuance of the order resolving that motion.

IT IS SO ORDERED.

DATED: June 2, 2017

NANCY J. KOPPE
United States Magistrate Judge